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## Individual Reports / Dissenting Opinions on Government Restructuring

Dayton Together

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### INDIVIDUAL REPORTS/DISSENTING OPINIONS

Members of the Charter Development Committee were encouraged to prepare one or more "Position Papers" relating to:

1. Individual opinion/preference regarding the structure of the metro gov (i.e. what should the scope of the initial campaign include in terms of merger/consolidation of jurisdictions and the formation of the metro gov)(See options below); and/or
2. Any provisions of the Charter the member wished to comment upon or about which the member wanted to offer a dissenting opinion or alternative point of view (i.e. the plan of government, the powers of the Mayor, etc.)

For purposes of Item 1. above, the following options have been suggested during the course of the committee's discussions for consideration:

Option A—full merger of all 32 jurisdictions into a single metro government.

Option B—a merger of City of Dayton government with Montgomery County government.

Option C—a hybrid—something between Option A and Option B.

Option D—no change.

The written Position Papers are attached.

DATE: Wednesday, November 25, 2015

FROM: Paul Porcino – Charter Advisory Committee Member

RE: Recommendation for structure—which communities should merge on first ballot question

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This opinion is based on the Chair's request to committee members to submit their recommendation as to the structure of government under a new countywide home rule municipality.

We were asked to consider the following options to frame our opinions on this issue.

- Option A—full merger of all 32 jurisdictions into a single metro government.
- Option B—a merger of City of Dayton government with Montgomery County government.
- Option C—a hybrid—something between Option A and Option B.
- Option D—no change.

My primary struggle with this question is:

1. Whether the Committee should simply recommend an *option E*, which would be a vote on changes to the County structure of government *only* - in a way that would "provide the opportunity" for any jurisdiction a way to enter into a merged structure over time. This option could allow time for the citizens and/or the elected officials of jurisdictions to see the value of a merger and voluntarily enter into a merger. In some ways, this may be the most acceptable to voters and be perceived less like a "county take-over" of the City of Dayton.
2. Whether the Committee should recommend either Option A or Option B, which could "force" a merger between the County and *at least* the City of Dayton. The concern with options A and B is one of the perception of the voters. It will be difficult in these scenarios to separate out the true value of a merger from a perception that this option is a take-over for political gain and expediency, a "power grab" by the County and those who might gain in some way by doing so.

That said, I believe the responsibility of the Charter Advisory Committee is to put the "best" bill forward so the voters in the County have something to respond to. That means, in my mind, that it is the responsibility of the *follow-on phases* of Dayton Together to address the message to the community – what the real substantive gains to the region vs. the perceptions.

Therefore, I will focus on what I see as the best option for the County. For that, my opinion is that **Option C, or a hybrid plan that goes beyond a County, City merger.**

My reasoning goes to the “purpose” of this effort. That purpose includes two statements:

1. **The current structure of County Government is not serving the Miami Valley Region or the people of this region well.** There is significant unnecessary waste and between-jurisdiction competition. The focus needs to be on building a County that, as a whole has the ability to compete outwardly effectively for continued economic development and where there are significant opportunities for cooperation, bargaining power and planning/execution of major projects that simply are not able to be pursued effectively with the current structure. To do nothing (Option D) is only reasonable if one believes that inter-jurisdiction competition in and of itself is creating positive gains for the County. I think that the continued reduction of residents throughout the county shows that this is a false premise.
2. **That a revised structure of County Government, which includes some or all of the jurisdictions to be merged, will enhance the ability of the County to benefit its citizens financially and/or through social and quality of life enhancements.**

Therefore, I believe **there should be a stated goal** that a full merger (Option A) is *desirable* long-term and that any new legislation will have the mechanisms to continue to add jurisdictions over the next 10+ years. Yet there are some structural issues and other considerations that need to be addressed first and, therefore a hybrid option is the best way to proceed at this point.

Option B likely does not go far enough towards the purpose(s) stated above, and will likely be perceived the most negatively by voters.

Yet, the current focus should be to build (re-build) the “core” of the County – so that the Region as a whole can focus on enhanced economic and social development. Which jurisdictions to include should be based on certain principles within the initial bill in which:

- Enhanced development of the jurisdiction would be beneficial to creating a more attractive County overall (and in which the current state is either stagnation and/or deterioration of the economic condition in that jurisdiction)
- Where the current electorate or voters are most likely to recognize this and therefore be potentially more open to a County-wide government structure and merger with their jurisdiction.

- That will strengthen the core economic and/or social fabric of the County through enhanced focus and bringing resources to bear for targeted development and collaborative/cost-sharing initiatives.

I am not clear enough as to what jurisdictions fall into these criterion, so leave that to others that know the Region more clearly. However, it is more than simply the City of Dayton.

November 24, 2015

TO: Dan Foley & Paul Leonard, Co-Chairs  
Charter Development Committee

FROM: William Gillispie

SUBJECT: Regional County Government Model Options

First let me say that participating in the Charter Development Committee has been painful and has challenged my patience to participate in this process of civic engagement. Leadership of the Committee and the apparent members of the Charter Advisory Committee seemed to be predisposed to developing a charter that singularly combines the City of Dayton with Montgomery County, claiming to achieve the myriad of elusive and unsubstantiated benefits touted by leadership. (poverty reduction, population increases, jobs, economic vitality etc.). From day one, I have expressed my opposition to the Dayton/Montgomery model and it's many practical and political land mines, but I have stayed with the process, keeping an open mind, in hopes of achieving a more logical and feasible outcome. With that background, I am submitting my response to the three options presented in your memo provided on November 11, 2015.

OPTION A: Of the three, this option offers the greatest hope for achieving any cost effectiveness or eliminating the horse trading and piracy of jobs and economic development projects that has gone on among jurisdictions within the county. It also offers many more opportunities for cost reductions through the elimination of redundancies and the duplications of services that occur among the 32 jurisdictions within the county. However, this option can only be achieved through a long-term approach that must first begin with a new county charter with enabling provisions (on ramps) to allow each jurisdiction to join the MetroGov - when and if the jurisdictions see the benefit or the necessity. So the MetroGov, would begin by marketing the benefits of joining and offer practical incentives to joining. Obviously, this process would not occur overnight, but would take a generation to achieve. But the outcome would be worth the wait, and would become the new model for regional government.

OPTION B: This is the option that seems to have been pre-conceived before the creation of the Charter Development Committee, and has been wildly touted in the media and public forums. But this option is fraught with issues that would make it impossible to pass with the electorate. A full page could be devoted to the pitfalls of this option e.g.; least chance of cost savings, continued economic development competition, claims of disenfranchisement, social/ racial unrest, and new political battles. Suffice to say, that this option would be doomed to failure if is presented to the electorate.

OPTION C: This option could be a pathway to achieving Option A, the consolidation of all 32 jurisdictions. BUT, the consolidated jurisdictions must first want to consolidate, and must be willing to sell the benefits to its own electorate. It does not appear that any jurisdiction has expressed this willingness to date.

Given the intricacies of these three options, I am afraid that we might default to OPTION D: do nothing.

December 2, 2015

TO: Dayton Together Charter Development Committee

FROM: William L. Gillispie

RE: Dissenting Opinion – Dayton/Montgomery County Model

Throughout the deliberations of the Charter Development process, I have expressed my objections to forming a “Regional County Government” entity that includes only the singular jurisdiction of the City of Dayton.

Philosophically and logically, I believe that a regional form of government can have significant benefits, but only if planned in a more thoughtful and deliberate fashion. First, I believe the benefits can only be accrued if the entire county and all of its political jurisdictions are included. We should have started out with that model instead of throwing out the idea of only Dayton and Montgomery making up the model. This model has created some predictable opposition and has raised questions about the motivation behind this kind of merger. Like many other constituents and electorates in this community, I remain strongly opposed to the Dayton/Montgomery County model for many of the reasons including political disenfranchisement of African Americans and citizens living in the city of Dayton, continued economic development and jobs competition, little if any cost savings, and new political battles, and other reasons stated in the attached memo of November 24<sup>th</sup> to the CDC chairs.

As I have tried to express in our meetings; that if the concept of a regional government has any hope of being adopted and working sensibly in this community, a framework for a new county charter must be clearly presented, and marketed to the electorate as a platform for any and all political jurisdictions to join when and if the jurisdiction determines that it is to their advantage to do so. I recognize that some on the CDC feel that a home-rule regional county charter with “on ramps” is not robust enough. But it allows leaders to consider the merits of the concept without the fear or threat of “takeover.” Over time jurisdictions will encounter experiences that will prompt them to go “hmmm, maybe it is time to join the regional metro government”. Think about the opportunities for service consolidation, reductions of the multiple duplications of services. Among the 32 jurisdictions Montgomery County, how many police chiefs, fire chiefs, public works directors, mayors and city managers do we really need? Those issues and questions can only be answered when the time is right for each jurisdiction to answer them.

As jurisdictions and citizens begin to realize the benefits of the MetroGov and begin to join, others will follow suit in a “me too” fashion to inure the benefits offered. This cannot and will not happen overnight. This approach is a long-term strategy toward achieving a civic high ground that will allow our citizens and their progeny to benefit from for generations to come.

I cannot go with our saying, that a great misstep was made by publicly touting the Dayton/Montgomery County model, even though the discussions, the deliberations and the final recommendations from the CDC were yet to be developed. Opposition came swiftly, and makes it difficult to move this discussion forward.



DATE: November 24, 2015

TO: Dan Foley  
Paul Leonard

FROM: Maria E. Oria

RE: RESPONSE TO PREFERRED OPTION OF CHARTER DEVELOPMENT  
COMMITTEE MEMBERS

This is in response to the request by Commissioner Foley and Mr. Leonard regarding the option preference of each of the Charter Development Committee members. This is a difficult decision for me because I honestly believe a new direction needs to be taken to insure the growth and vitality of the Dayton Metropolitan community. Unfortunately, I have a difficult time believing that any of the proposed options are the answer.

OPTION A: This option is the best in my estimation. As a single community all under one governmental unit we can even the playing field, remove competition for business development, allocate resources to where it is most needed, and control land use. We will truly be the second largest city in Ohio and one of the top 50 in the country whereby we can influence both regional, state and national policy relating to urban areas. Unfortunately, the total lack of cooperation among cities, villages and townships in this county makes it very difficult for this option to pass an election. The fact that seven municipalities would not be eligible to join makes this a not very desirable option. Perhaps a change in state law would be required. But if we select one, this would be the one I would select.

OPTION B: This option makes no sense to me. As it is conceived, Dayton will not change at all except that every suburban community will now elect the mayor of Dayton. Every other municipality will have a Dayton Mayor and their own mayor. It changes nothing in the dynamics of the relationships between and among governmental units. It will result in overrepresentation of one group of people over another creating tension among diverse groups. It will further weaken the core city because representatives that have absolutely no stake in its survival will make the majority of the decisions affecting Dayton. There is no real consolidation in this option thereby not saving limited resources. There is no reduction in competition for economic development projects or policies. The only change is how the mayor of Dayton is elected and the elimination of some currently elected officials. This option achieves none of the worthy objectives outlined in the initial presentation

OPTION C: I feel the same way about this option as Option B.

Thank you for the opportunity to participate in this effort. I know your desire is to improve our communities.

October 20, 2015

TO: Dayton Together Charter Development Committee

FROM: Dan Foley

RE: Dissent opinion—question of who hires City/County Manager

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On October 14, the Charter Development Committee meeting took a vote on the issue of under a new city/county charter, who would have the authority to hire the City/County Manager. Some communities who have merged have allowed the Mayor to hire that position. Some communities have allowed the County Council to hire that position.

Our Committee decided, after a vote, to place the authority to hire the County Manager under the County Council. I voted in dissent, and wanted to explain my rationale for the record, so that those who inspect the result of our work at any time can view this and have context for a dissenting opinion.

Instead of three county commissioners and four city commissioners and a mayor, our Charter will have a chief elected official—the Mayor of the County—who would be voted on by all 535,000 residents of the Dayton/Montgomery County government. A City/County Council would also be in place. The Mayor would run on a vision, a strategy, for how to improve all facets of government, just like any candidate always does. Their ability to implement that strategy, in my opinion, would be increased if they had the authority to hire the City/County Manager (may be called Deputy Mayor or CEO if it was hired directly by Mayor) under the charter. And because that manager would report to the Mayor, and be hired by the Mayor, the sole focus would be to deliver effective government—and-- implement a certain strategy that the Mayor espoused and committed to as a candidate for office.

I understand there would be concerns if the CEO/County Manager turned out to be ineffective, that the City/Council would have no means to remove that person. But if that was person was so ineffective, it would certainly reflect on the ability of the City/County Mayor to do their job, and may mean voters take it out on that person at the next election. So it's in the interest of the top countywide elected official to have someone in this role who they appoint, who is also effective in the job. The opposite would be counter to what they needed to accomplish.

City/County Council could do a very good job of finding a Manager who would do everything I'm concerned about here; in fact, that could be very likely. But I have a bias toward giving the Mayor the benefit of the doubt to find the person they are most comfortable with to implement the strategy they in fact ran on for office. That is the reason for my vote to dissent from the majority opinion.

DATE: Wednesday, November 25, 2015

FROM: Dan Foley Co-Chair, Dayton Together Charter Development Committee

RE: Recommendation for structure—which communities should merge on first ballot question?

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Pursuant to the request by committee members to submit their recommendation as to the structure of government under a new countywide home rule municipality, we are proposing the following model for consideration by the Charter Advisory Committee. As Co-Chairs, we are submitting one recommendation because we both share the same opinion as to which communities should be included in the initial merger.

We were asked to consider three options to frame our individual opinions on this issue. A fourth option was requested to be added (no change).

- Option A—full merger of all 32 jurisdictions into a single metro government.
- Option B—a merger of City of Dayton government with Montgomery County government.
- Option C—a hybrid—something between Option A and Option B.
- Option D—no change.

Dayton Together's original proposal—prior to writing this charter--was a merger of the City of Dayton and Montgomery County. I would propose that the first charter language as the basis for a vote of the people should be a hybrid, or Option C. Our **proposal would ask voters to approve a metro government that includes merging the following governments into one unit:**

- **Montgomery County**
- **The City of Dayton**
- **The City of Trotwood**
- **The City of Riverside**
- **Jefferson Township**
- **Harrison Township**

Our rationale is as follows:

- **Option A**—a full merger of all jurisdictions of the county into a single unit of government is not something we are opposed to in theory, but it's too difficult to achieve for two reasons:
  - First, state law precludes jurisdictions that straddle two counties—Kettering (Greene), Carlisle (Preble), Union (Miami), Huber Heights (Miami), Centerville (Greene)—from merging with a metro structure unless they decide to “lop off”

the part of their jurisdiction that encroaches into the neighboring county. This just won't happen, in our opinion. Could state law change to allow for easier merger among suburban jurisdictions under a metro structure? Presumably so. But until that is done, it appears very unlikely a full merger is practical.

- Second, we just have not seen examples where you could make the case where you had immediate buy-in for such a large amount of jurisdictions on day one of a merger vote. While we are not opposed, again, in theory, to this option, we just don't think it will have any chance for success both legislatively and politically, and we can't sugarcoat the difficulties.
- **Option B**—This option is what Dayton Together used as our starting point. We have changed our opinion—our original proposal, in fact, does not go far enough. We concur with those who have expressed opposition to this model that it is not bold enough. We're particularly concerned that under this model there is no new developable land in the core, which is specific criticism mentioned by David Rusk, an advocate for more regional governance structures, in a Dayton Daily News article after we announced our efforts.
- **Option C**—Our choice. Option A goes too far. Option B does not go far enough. So we're picking a hybrid. A merger including the following governments into one unit—***Montgomery County, Jefferson Township, Harrison Township, and the cities of Dayton, Trotwood, and Riverside.*** Our rationale:
  - Our goal—regardless of the structure of government--should be balanced growth throughout the county, and improving the tax base to benefit each and every citizen of the county. Besides including areas that are ripe for development, and frankly, in need of development--west, Jefferson Township, and northwest, Trotwood-- this model also allows for connectivity to the Air Force Base along the eastern corridor with the City of Riverside, and incorporates an industrial, urban township—Harrison--linking the 75 corridor from the north to the urban core community of the City of Dayton. This model, this hybrid model, can **help the entire county** by focusing re-development opportunities in the core communities in the northwest, west, central, and eastern sectors of the county.
  - A new strategy can be developed by the Mayor, by the metro council, to use the assets of these newly merged jurisdictions in the core part of the county to help us grow our economy. **We do this not at the expense of the rest of the county, but rather, in a way that could focus on how to grow the economy in areas that have fallen behind. This will strengthen everyone.**

- Option C allows us to **reframe the narrative and re-invest back in the core communities that were once the economic and social center of our community.** This holds great promise for long term sustainability—with the goal of improving the tax base for the entire county--under a new metro government structure.
- **Option D**—This option would keep the current structure of local government intact—no change-- the structure that was formed approximately 200 years ago. There are lots of factors that lead to whether a community is thriving, or not—but the question we need to ask is, “what kind of local government structure could help us compete better economically, reduce poverty, and reduce costs to reinvest savings back into the community? While our economy is improving, and that’s a good thing, keeping our local government structure in its current form, in our opinion, would not allow us to achieve our maximum potential as a community. For these reasons, we are opposed to Option D.

November 29, 2015

To: Dayton Together Charter Development Committee

From: Paul Leonard

Re: Dissent

We were asked to consider three options to frame our individual opinions on this issue. A fourth option was requested to be added (no change).

- Option A—full merger of all 32 jurisdictions into a single metro government.
- Option B—a merger of City of Dayton government with Montgomery County government.
- Option C—a hybrid—something between Option A and Option B.
- Option D—no change.

Dayton Together's original proposal—prior to writing this charter--was a merger of the City of Dayton and Montgomery County.

However, after studying the issue through the Charter Development Committee process, I now favor a hybrid, or Option C. My personal inclination is to ask voters to approve a metro government that includes merging into one unit:

- Montgomery County
- The City of Dayton
- Jefferson Township

My rationale:

- **Option A**—a full merger of all jurisdictions of the county into a single unit of government is not something we are opposed to in theory, but it's too difficult to achieve for two reasons:
  - First, state law precludes jurisdictions that straddle two counties—Kettering (Greene), Carlisle (Preble), Union (Miami), Huber Heights (Miami), Centerville (Greene)—from merging with a metro structure unless they decide to “lop off” the part of their jurisdiction that encroaches into the neighboring county. This just won't happen, in our opinion.

- Could state law change to allow for easier merger among suburban jurisdictions under a metro structure? Presumably so. But until that is done, it appears very unlikely a full merger is practical.
- **Option B**—This option *was* our starting point. I believe that does not go far enough. As A former two-term Mayor of Dayton, I am particularly concerned that under this model there is no new developable land in the core city to help foster jobs and economic development.
- **Option C**—I believe Option A goes too far and that Option B does not go far enough. So, I propose for consideration a merger including the following governments into one unit—***Montgomery County, Jefferson Township, and Dayton.***
  - We all want balanced growth throughout the county, and improving the tax base to benefit each and every citizen of the county. The starting point, in my opinion, is to combine Montgomery County, Dayton, and a township with plenty of developable land but lacking the tax base to fund services, and is adjacent to the city of Dayton: Jefferson Township.
- **Option D**—This option would keep the current structure of local government intact—no change-- the structure that was formed approximately 200 years ago. There are lots of factors that lead to whether a community is thriving, or not—but the question we need to ask is, “what kind of local government structure could help us compete better economically, reduce poverty, and reduce costs to reinvest savings back into the community?” While our economy is improving, and that’s a good thing, keeping our local government structure in its current form, in our opinion, would not allow us to achieve our maximum potential as a community. That’s why I strongly oppose Option D. Doing nothing is not an option.



## DISSENTING OPINION—REGARDING CHIEF FINANCIAL OFFICER APPOINTMENT BY COUNTY COUNCIL.

Dan Foley  
January 4, 2016

The Charter Development Committee submitted a recommendation to appoint--rather than elect--the newly appointed position of Chief Financial Officer (CFO). The CFO position would model the current Montgomery County Auditor elected office, and include the former offices of the Montgomery County Treasurer and the Montgomery County Recorder.

The Counties in Ohio who have changed to municipal home rule-Cuyahoga and Summit-have changed their charters to appoint some countywide elected officials who were previously elected. The theory of appointing previously elected offices that administer services-versus conducting policy like council seats-is that these offices can work under the direction of the mayor and council in a manner that is more tied to the strategic direction of the government, from a fiscal and policy standpoint. Our Committee, I believe, followed this theory. It does put a burden on council through the City/County Manager to find the right leadership for each of these now-appointed positions.

After some reflection, it is my opinion that the Chief Financial Officer should be elected, rather than appointed. Under the new charter proposal, the decision was made to appoint the offices of Sheriff, Engineer, Coroner, and with the inclusion under the CFO--the Treasurer and Recorder. The County Prosecutor would continue to run for office every four years.

I believe the CFO (Auditor) position should be paid a higher salary, and because this person would handle the work of three current public offices-including property valuations, investing the city/county investment portfolio, transferring deeds and keeping the record for mortgages and liens, etc, and work hand in hand with the City/County Budget office to engage with rating agencies on the county's investment rating status, among other tasks, the position would have significantly more responsibility than the offices as they are currently constituted.

The CFO ought to have some independence from being appointed by the City/County Council because of the financial nature of the position. They need to be able to work with everyone, obviously, but having voters approve this position in my opinion would be the right way to go, and reflect the importance and appropriate independence of what this job may need to function to under a new charter.